

# Mono County Planning Commission

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## MINUTES

Thursday, Nov. 14, 2002  
(Adopted Dec. 12, 2002)

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COMMISSIONERS PRESENT: Scott Bush, Rick Kattelman, Steve Shipley, Bill Waite

COMMISSIONER ABSENT: Sally Miller

STAFF PRESENT: Scott Burns, CDD director; Keith Hartstrom & Greg Newbry, senior planners;  
Bob Floyd, building official; Mark Magit, deputy county counsel; C.D. Ritter, commission secretary

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1: **OPENING OF MEETING:** Chair Waite called the meeting to order at 10:13 a.m.

2: **PUBLIC COMMENT:** No items.

3: **MINUTES:** Review of minutes of Oct. 10, 2002. **MOTION:** Adopt the minutes of Oct. 10, 2002, as amended: 1) Page 2, second paragraph, "Commissioner Miller said she is uncomfortable not hearing from opponents, but would still go with the recommendation **because she trusted the judgment of the fire chiefs.**" 2) Page 3, third paragraph, "Commissioner ~~Waite~~ Miller suggested..." 3) Page 3, fourth paragraph: Delete second sentence, "~~Commissioner Miller suggested adding 'to the extent feasible' at the front.~~" (Bush/Kattelman, 4-0. Absent: Miller)

4: **CONSENT AGENDA:** No items

5: **PUBLIC HEARINGS:**

**10:15 A.M.**

**A. CHAPTER 22. FIRE SAFE REGULATIONS, SECTION VI. LAND USE DEVELOPMENT REGULATIONS, LAND USE ELEMENT** (continued from October meeting). *The proposal to amend Chapter 22, Fire Safe Regulations for the Long Valley and Wheeler Crest fire protection districts. The proposed amendment eliminates the exemption for water tanks for new development on parcels created prior to 1991, thus requiring water tanks on all parcels; changes the distance for water tank exemption from 1/2-mile to 1,000 feet from a hydrant; and includes several other minor changes to Chapter 22. A Class 8 exemption (Protection of the Environment) is proposed.*

Senior Planner Greg Newbry said the notice should have read "Parcels created (subdivided) after 1991 currently are ~~not~~ required to add a 2,000-gallon water tank when the property is developed."

**OPEN PUBLIC HEARING:** Mark Sanders, lot owner at McGee Creek, is well aware of fire hazards from having lived many years in June Lake so understood the need, but thought the burden should be shared by all property owners because wildfire would affect all development. Sanders thought it unfair to absorb the cost of fire protection for everybody in his area.

Ron Davenport, property owner, thought the cost should be shared among all property owners, as it would benefit everyone in the area. Bob Floyd, county building official, said it was initially proposed for implementation countywide, but no other districts were interested.

Bruce Woodward, property owner in Crowley Lake, noted that all lots on Appleton are developed, so he would be the only owner with a tank. He thought people who own undeveloped property should not bear the cost -- there needs to be an equitable way to share the cost. When the property changes hands, a tank could be required. He believed people who would not have to pay for it made this decision.

Lawrence Bush, owner of a developed parcel in Aspen Springs, asked about tank requirements and possible voluntary compliance. Long Valley Fire Chief Fred Stump replied that tank design could be elevated, buried, have minimum water capacity or minimum connection -- the configuration depends on slope and ground composition. The Eastern Sierra Fire Safe Council has website links showing tank designs.

Stump provided the following background: The Long Valley FPD is involved in a potential lawsuit between two property owners regarding a pond. A private water company has threatened to sue if people build within ½-mile of a property owner with a will-serve permit. The board directed Stump to read a notice received yesterday indicating that anyone who is not member of Mountain Meadows, but relies on it, will be charged and billed from \$800 to \$10,000 for a prorated share of the system. A parcel put in after 1991 must put in a tank, but properties next door don't. Someone is going to be treated unfairly, as previously stated. If the proposal does not pass, it is still unfair. There are proprietary rights to water: FPD can use it, bill a neighbor or anyone else who uses the water. The FPD has been hearing this issue 2.5 years, ever since residents wanted to pass their own ordinance. County Counsel said an amendment to the General Plan would be needed. The board wanted to take a proactive stance about water as a basic raw material; without it, there is no guarantee of the ability to deal with an emergency. The more water, the better. The FPD is trying to find ways to have water available on site, as any other way is labor intensive. Water tenders require people, volunteers. Crowley Lake Mutual has hydrants, but they are nonfunctional. Negotiations are under way with the developer of Crowley Lake Estates to supply water for his development plus others.

Commissioner Waite asked whether Long Valley could come up with one mutual water company or assessment district. Stump indicated that it's not realistic, given the 114-square mile size. The public roundly rejected it in the past due to cost. Commissioner Bush said lowering the distance requirement affects many people, and he wants to make sure everybody knows what's going on and can comment so commissioners can make the best decision. Stump said the 1,000 feet is a practical issue; friction loss occurs over ½-mile.

Janet Reese, Swall Meadows property owner since 1990, indicated that a tank has to connect to the FPD. Asked about the Wheeler Crest fire chief's view, Floyd said Dale Schmidt is very much in favor, even proactive. Stump recalled that after Long Valley initiated the process, Schmidt came to Long Valley and Mono County to discuss development pressures in Long Valley and Wheeler Crest. Many who are moving to those districts don't acknowledge their exposure in terms of limited response. Commissioner Waite indicated that Mono now requires a will-serve letter from the FPD. If this proposal does not pass, and development sufficiently outstrips its ability to protect, the FPD could suggest a building moratorium. Currently, the board is not ready for that.

Commissioner Shipley said he understands the reluctance for will-serve letters due to future problems, but why let people build if the water is not there? Make it more equitable, share the load. Stump indicated that board members never felt it's their mission to do so. Back in the late '80s, the board addressed the issue, trying to push the community into a water system. There were political consequences. The board currently is in the process of borrowing money to build an addition and add engines in other locations pending the outcome of a mitigation study to reevaluate adequacy of mitigation fees. He said the FPD is "about 175% behind the power curve." Fire mitigation fees are only \$.30/sq. ft., whereas school fees are \$2.50/sq ft. There is significantly insufficient money to consider paid staff. Floyd indicated Mono County can't force communities to take on a bond issue, but it is acceptable for fire protection districts to combine water storage. Newbry said the McGee parcels could get together for a 20,000-gallon tank instead of individual tanks. Floyd noted that this summer showed the need for protection. If communities in favor could agree that everyone would be willing to pay for tank installation, the involved chiefs would favor that. Woodward indicated that quite a few property owners are unwilling, have no money, or don't see the need to do it. It just needs to be equitable. Stump indicated that the fire protection districts say more water is better than less water. Commissioner Shipley said installing a tank protects your and your neighbor's home. Unfortunately, there appears to be no other way. Water did not go in when sewer went in because people did not want to pay an extra \$300. Now, the cost is close to \$15,000/parcel. Chair Waite noted that development is not slowing down or stopping, particularly in Long Valley. It's no longer just a bedroom community. Anytime you make a change, he said, it's unfair to some people. "We try to

represent everybody, not put an unfair burden, but today the Planning Commission is here to make a recommendation to the Supervisors.” This would allow another chance to voice opinions.

Janet Reese agreed it’s unfair, and suggested changing the wording to: “Whenever property sells, a tank must be installed.” Cathy Crosley agreed with Reese. Magit noted that a substantial change would require renoticing.

Pat Owens, Swall Meadows property owner, commended the handling of the Birch Fire. He heard that a helicopter reloaded water at a swimming pool in Sky Meadows Ranch. Ponds, dams or pools should be set up along creeks to provide more access to open water so copters could refuel, he said. He suggested not voting on the recommendation today, and giving fire prevention a much bigger scope. He was concerned about how to put out fires in remote areas that move toward development. Commissioner Waite, who has dealt with agencies and fought fires since 1958, said a water source would need to be large to protect homes. Stump thought input from Lahontan Water Quality Control Board might impede diversions. The more things are put off, the greater the potential for entering another building season with status quo, he said. Owens suggested putting two ponds on the creek in Sand Canyon. Stump explained that neither the FPD nor Mono has the authority to do that. Owens said he would be willing to go to Sacramento on the matter, as he believes helicopters are needed to put out fires quickly. Commissioner Waite suggested Owens propose a meeting with the local RPAC group. CLOSE PUBLIC HEARING.

Discussion: Commissioner Bush said many tanks would be above ground, thereby creating visual impact. He suggested requiring installation of a tank, to the extent feasible, anytime property sells. Then, people who buy property would know that a tank goes in. According to Magit, fire commissions and CDF regulations agree word for word with state regulations that apply to all new construction, new permits. Only in an emergency do water standards carve out an exception. When a parcel is subdivided, it is easy to put in infrastructure. Afterward, homeowners are more limited. Commissioner Shipley expressed concern about the initial burden on unsuspecting owners. He would like the cost split among more people, but does not know how to do it except to acquire grant money or set up a special assessment district. Building fees of \$5,000 a few years ago are now \$15,000. The FPD is well understaffed, and any tank would add 2,000 gallons. Commissioner Bush said if Planning Commission does this, it would need wording on visual mitigation for aboveground tanks, a cost limit, and condemnation of land as unbuildable. Magit indicated that exceptions to standards could be made, and appeals would go to the Planning Commission. Stump asked how one of the 17 parcels subdivided after 1991 would address the issue. Floyd suggested setting a dollar limit and adjusting for inflation. Commissioner Shipley noted that most people who buy property do not know the requirements for developing a parcel.

Crowley Lake is unique: homes are packed in, without infrastructure. Commissioner Bush suggested an assessment district, then placing tanks where needed. Commissioner Kattelman indicated an inclination to vote against it as stated in hopes of addressing the problem better by having Public Works and Community Development work with fire protection and water districts. People who had just invested in a tank would not want to pay into an assessment district. The current proposal is not adequate, does not really address problems except that a little more water is a good thing. He acknowledged that communities do not want to spend money. Commissioner Bush asked whether the FPD could legally refuse service unless shown mitigation for water. Stump said the FPD is not required to issue will-serve permits. Floyd indicated that fire protection districts have no legal obligation to fight a fire, period. Commissioner Shipley said people couldn’t build without fire protection. Chair Waite indicated he is all for fire prevention and more water. The Planning Commission could vote this down or send a recommendation to the Mono Supervisors. If it’s put off, we’re back to nothing, he said. Magit indicated that the Planning Commission could vote it down so the Mono Supervisors would take it up on a countywide scale. Commissioner Shipley, exploring from a legal standard, wondered what Mono County could mandate. Maybe a cheaper way would be to assess 100 property owners \$100 each, and get \$100,000. Commissioner Bush asked what if someone put in a 10,000-gallon, aboveground tank to help the community? Planning Director Scott Burns said Crowley Mutual Water Co. has initiated a Director Review process for a tank, but there is substantial opposition to the visual impact. The LAFCO sphere of influence subdivision studies recommend that Hilton Creek provide all services in the area, including water, but there is no way to compel the present water companies to disband. If people do not want to pay, it’s not going to

happen. MOTION: Kattelman moved to amend Chapter 22, Fire Safe Regulations as stated above, but the motion died due to lack of a second. MODIFIED MOTION: The Planning Commission recommends consultation with local communities on an equitable community-wide fire safe plan. (Bush/Kattelman, 4-0. Absent: Miller.)

**11:00 A.M.**

**B. ZONE VARIANCE 02-01/Molnar** (continued from September meeting). *The project is for a proposed reduction in parking from three spaces to two spaces, reduction of front-yard setback from 5 ft. to 0 ft. on the northwest garage corner and from 5 ft. to 2 ft. on the southwest garage corner due to topographical constraints. The property is located in June Lake, APN 16-142-19, on California Street. A Class 4 (New Construction of Small Structures) will be filed.*

Senior Planner Greg Newbry said Planning Commission had been awaiting a Public Works decision on Molnar's road abandonment application. The Mono Supervisors said road abandonment is a big issue, and they need to get a true, as-built map of roads from Public Works, Planning Division and County Counsel to consider in much greater depth. Commissioner Waite said the property is on his street, and the huge rock outcropping is not going to change, so he had no problem issuing a variance. The setback is till greater than normal. CONTINUE PUBLIC HEARING. No comment. CLOSE PUBLIC HEARING. MOTION: Find that the project qualifies for approval of the zone variance as stated above. (Bush/Kattelman, 4-0. Absent: Miller.)

**11:30 A.M.**

**C. EXTENSION OF TENTATIVE TRACT MAP 37-159/Sierra Business Park.** *The proposed Map Extension for Tentative Tract Map 37-159 would extend the tentative map expiration date to Dec. 12, 2003. The proposed phased project would divide approximately 35.96 acres (APN 37-130-04) into 37 industrial lots, with 24 lots in phase I and 13 lots in phase II. The property is located about three miles south of the intersection of State Route 203 and US Highway 395. The site is directly opposite the entry to the Mammoth/Yosemite airport. The Land Development Technical Advisory Committee, at its meeting Nov. 4, 2002, recommended approval of the proposed map extension.*

Senior Planner Keith Hartstrom asked for a one-year extension of Map 36/159. Caltrans did not attend the LDTAC meeting Nov. 4, but recommended approval. No additional comments or concerns were expressed. OPEN PUBLIC HEARING: No comment. CLOSE PUBLIC HEARING. MOTION: Approve the proposed extension of Tentative Tract Map 36/159 (not 37/159) as stated above. (Bush/Shipley, 3-1. No: Kattelman. Absent: Miller.)

**6. WORKSHOP:** No items.

**7. REPORTS**

A. DIRECTOR: 1) The proponent of the affordable housing site at Crowley Lake Estates wants to build a water tank, but substantial opposition to visual impacts preclude a Director Review decision. Perhaps the Planning Commission ought to consider this issue. Cost for burial is prohibitive, according to engineers. 2) A meeting with Intrawest will be held Dec. 4 to consider the Rodeo Grounds proposal in June Lake. 3) Transportation grants on Main Street planning have been submitted. 4) Collaborate with Inyo County to deal with Caltrans' highway-as-main-street issue in the Eastern Sierra. 5) The CPT members received word of a lawsuit against USFWS on sage grouse listing. The agency must issue a listing decision within 90 days (mid-December).

B. PLANNING COMMISSION: 1) Crowley Lake roads turned out nice after torn-up conditions. 2) Intrawest has proposed a high-rise development in June Lake.

**8. ADJOURN:** 12:24 a.m.

Respectfully submitted, C.D. Ritter, commission secretary